

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SAN DIEGO SHEET METAL WORKS, a  
California corporation,

Plaintiff,

v.

ENVIRONMENTAL INTERIORS, INC.,  
AMERICAN CASUALTY COMPANY OF  
READING, PENNSYLVANIA; THE  
CLARK CONSTRUCTION GROUP, INC.,  
now known as CLARK CONSTRUCTION  
GROUP, LLC; and PORT OF SEATTLE,

Defendants.

No. C05-2Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The Court GRANTS IN PART and DENIES IN PART Plaintiff's Motion for Leave of Court to File a Second Amended Complaint, docket no. 71, as outlined below.

The Court GRANTS the motion to allow Plaintiff: (1) to change its name in the Second Amended Complaint, including in the caption, from "San Diego Sheet Metal Works" to "Southwest Legacy, formerly known as San Diego Sheet Metal Works;" (2) to add the First through Sixth Causes of Action; (3) to increase the amount of alleged damages to "at least \$1,153,887.60;" and (4) to delete references in the Second Amended Complaint to the former defendants – the Clark Construction Group and the Port of Seattle. Defendants are not prejudiced by these amendments; if they need more time for discovery, they may seek such leave from the Court. See Bowles v. Reade, 198 F.3d 752, 758 (9th Cir. 1999) (undue delay by itself is insufficient to justify denying a motion to amend); Fed. R. Civ. P. 15(a) (leave to amend "shall be freely given when justice so requires.").

1 The Court DENIES the motion in so far as it does not allow Plaintiff to add the  
2 Houston-related Seventh through Tenth Causes of Action. The Houston and Seattle projects  
do not arise out of the same case or controversy.

3 (2) The Court directs Plaintiff to file a Second Amended Complaint in  
4 conformance with this Order.

5 (3) The Court DENIES Plaintiff's Request for Judicial Notice, docket no. 71.

6 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

7 Filed and entered this 17th day of October, 2005.

8 BRUCE RIFKIN, Clerk

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10 By s/ Casey Condon  
Casey Condon  
11 Deputy Clerk  
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